

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

C.A. No. 1:17-cv-10077-FDS

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MYKEL POWELL,

Plaintiff,

v.

BRIAN HOLMES, in his individual and his
official capacity as the Sergeant of the
Stoughton Police Department

-and-

JAMES O'CONNOR, in his individual and his
official capacity as a Detective of the
Stoughton Police Department,

Defendants.

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VOLUME I

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DEPOSITION OF PETER DOWD

Tuesday, May 29, 2018, 10:38 a.m.

Law Offices of Michael Zinni

246 Walnut Street - Newton, Massachusetts 02460

--- Reporter: Kimberly A. Smith, CRR, CRC, RDR ---

Realtime Systems Administrator

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1 (Dowd Exhibit 2 was marked
2 for identification.)

3 BY MR. JENSEN:

4 Q. Can you take a look at this document we've
5 marked as Exhibit 2 and tell me if you recognize it.

6 A. Yes, I do.

7 Q. And is this the website we were just
8 talking about?

9 A. Yes.

10 Q. Let me ask you a couple things. First of
11 all, on the first page of this, do you see maybe
12 three-quarters of the way down, it says, "Certified
13 written notice to the owner of record concerning a
14 formal firearms inventory and storage terms"?

15 A. Um-hum.

16 Q. When does Village Vault provide this
17 written notice to the owner of record?

18 A. Anytime we pick the guns up, unless we're
19 taking guns from a police department that are
20 considered abandoned in Massachusetts, Chapter 140,
21 Section 129-D.

22 After a year, guns that are at a police
23 department are considered abandoned and they are
24 able to do whatever they want to with the guns.

1 Many times we go there while we're picking up
2 restraining order guns or whatever, they'll say, We
3 have these guns that were donated or abandoned or
4 these guns have been sitting here a year and a half.
5 We've talked to the owner of record. He never came
6 and got them, never did anything. Take them and put
7 them in storage.

8 Q. So the certified written notice to the
9 owner of record is not going to be sent out in a
10 situation where the guns have been sitting in a
11 police department for more than a year and are
12 abandoned?

13 A. Right. If we're taking guns for credit
14 or -- or junk -- or taking guns off the records of
15 the police department, we take them from the police
16 department. We're not taking them from an
17 individual.

18 Q. Is there any other circumstance where you
19 would not provide written notice to the original
20 owner of the firearm?

21 A. I don't believe so.

22 Q. Now, you're familiar, at least to some
23 extent, with the case of Mykel Powell; is that
24 right?

1 Q. And is it your understanding that these are
2 abandoned guns?

3 A. Abandoned. Over a year old. They could be
4 donated. They could be abandoned. Or they could
5 be -- donated or abandoned or over a year old and
6 not retrieved by the owner of record.

7 Q. Would you normally find out how long a
8 police department would have these guns in custody?

9 A. No. We leave it up to the police department
10 to tell us, These are -- how long the guns have been
11 in their care, custody, and control.

12 Q. Do they normally tell you how long the guns
13 have been in their care, custody, and control?

14 A. Yes, usually they'll say, This stuff is
15 over a year old. Okay.

16 Q. Is there anything they would do to tell
17 you -- Well, if a gun was less than a year old,
18 would you be asking for any additional information?

19 A. No. We wouldn't take it if it was less
20 than a year old unless -- unless we took it under
21 the other circumstances: is there a restraining
22 order, safe keep, or something like that.

23 Q. Now, does Village Vault sometimes take
24 custody of items that are not guns?